

# Principles in the Use of Intermediate Sanctions

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In 1989, the Texas legislature passed a bill, HB 2335, which mandated sweeping changes in the state's criminal justice system. In addition to reorganizing the state prison and parole agencies, the law encouraged a rethinking of the local justice system.

Prison crowding in Texas had reached crisis proportions. Because of a 1985 federal court consent

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decree, the state was capped at 95 percent of its prison capacity. Since that time some 20,000 additional prison beds had been opened and another 16,000 were due to be occupied before the end of 1992. Even with this dramatic increase in prison beds, some 12,000 prisoners were backlogged in the various county jails across the state.

HB 2335 authorized the distribution of state funds to compensate counties that participated in various alternative sentencing and intermediate sanctioning programs. Approximately \$10.5 million was allocated to Harris County in 1990 for operation of a variety of programs, to be coordinated through the Adult Probation Department. As a result of HB 2335, Harris County's probation agency was restructured and renamed the County Department of Supervision and Corrections.

Historically, jails were operated in all Texas counties by the county sheriff, and probation programs were assigned to county probation departments. The implementation of HB 2335 served as a catalyst to develop a greater degree of cooperation

among the various criminal justice agencies. As a result of initial experience with this restructuring, several principles have evolved that should be considered as we progress toward a new era in criminal justice.

**Principle 1-The criminal justice system must be coordinated through the joint commitment of all involved parties.** In Harris County, we have

instituted a criminal justice advisory committee, which is chaired by the county budget officer who reports directly to the county judge and commissioners. The committee is composed of representatives from:

- The county sheriffs department.
- The Community Supervision & Corrections Department (adult probation).
- The pretrial services agency.
- The district attorney's office.
- Misdemeanor and felony courts.
- Data processing.
- The county clerk's office.

The committee is an active body that makes hard policy recommendations for each of the member agencies. Problems are explored openly, frankly, and with a shared impulse toward resolution.

**Principle 2-The development of alternative sentencing and intermediate sanction programs can only be effective if adequate screening and inmate/client assessment are included so that offenders are placed in appropriate programs.** Having programs available does not ensure success. Only by placing appropriate persons in proper programs can true success be attained.

**Principle 3-A continuum of programs represents the best model for Harris County.**

Under this system, each court has a range of options from which to choose. For example, the ultimate sanction in a felony conviction is a sentence to prison for a long period of time. As an option, the court may decide after a thorough review of the circumstances in the particular case that the appropriate sanction might be a shorter period of incarceration and a rigid alternative such as the Court Regimented Intensive Probation Program (CRIPP). On successfully completing this program, the offender may be moved into a less restrictive alternative, such as work release. Conversely, if the offender does not perform well in the CRIPP program, the court may opt to reinstate prison time. Thus, the offender him/herself, through his/her behavior, becomes an active partner in the decision process.

**Principle 4 - Intermediate sanctions and alternative sentencing absolutely require coordination among the various agencies.** No longer can we in the sheriff's department see our role as merely maintaining custody and control while the inmate is incarcerated in our facility. Under the theory of CRIPP, the Sheriff's Department has a responsibility to deliver a program during a set time frame. But the entire criminal justice system's responsibility transcends that limited time frame and requires coordination among all agencies in the system.

**Principle 5-Each agency is better suited to perform some operational functions than others.**

For example, we believe that

**the sheriff's department is best suited to providing proper conditions of incarceration.**

Again, CRIPP is a good example of this principle. On the other hand, Adult Probation is best suited to providing counselling and follow-up for residents in the program. Local community colleges are best suited to providing educational opportunities, and the court is best suited to making the judicial decisions that ultimately place the offender.

**Principle 6-Alternative sentencing and intermediate sanction are not necessarily more cost-effective than warehousing prisoners.**

While it is tempting to "sell" intermediate sanctions programs as being inexpensive, the fact is that they may or may not be. For example, high risk maximum security prisons are extremely expensive, at least in terms of initial capital outlay. The real costs of jails and prisons are expended by staffing through time. As compared to treatment oriented programs, prisons may be cheaper, at least in the short run, than intermediate sanctions programs that provide expensive educational programming, psychological resources, and drug abuse treatment. It should be noted that alternative methods eventually will result both in the generation of tax

revenues and in greater societal benefits. Therefore, it is our opinion that although short term costs may not be

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reduced, long term societal costs surely will be.

**Principle 7-Community corrections alternative sentencing and intermediate sanctions must be given an opportunity to work because the traditional system has eroded to total chaos.** In Texas, prisoners often serve only twenty-six days of incarceration for every year of sentence. This situation is a disgrace and cannot be tolerated. It is therefore critical that we in the correctional field consider all viable alternatives.

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